

Amendment No. 1 to HB1199

Jernigan
Signature of Sponsor

AMEND Senate Bill No. 873*

House Bill No. 1199

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 29-34-703, is amended by deleting subsection (c), substituting the following, and redesignating the current subsection (d) as subsection (g):

(c) A plaintiff in an asbestos action, including an action alleging a nonmalignant condition or a malignant condition, filed on or after July 1, 2021, shall file, within thirty (30) days of filing any complaint, an information form attested by plaintiff stating the evidence that provides the basis for each claim against each defendant. The information form must include all of the following to the best of the plaintiff's ability:

(1) The name, address, date of birth, marital status, occupation, smoking history, current and past worksites, and current and past employers of the exposed person, and any person through which the exposed person alleges exposure;

(2) The plaintiff's relationship to the exposed person or the person through which the exposure is alleged;

(3) Each asbestos-containing product to which the person was exposed and each physical location at which the person was exposed to asbestos, or the other person was exposed if exposure was through another person;

(4) The specific location and manner of each exposure, including the specific location and manner of exposure for any person through which the exposed person alleges exposure, the beginning and ending dates of each

exposure, the frequency of the exposure, and the identity of the manufacturer or seller of the specific asbestos product for each exposure;

(5) The specific asbestos-related disease claimed to exist; and

(6) Supporting documentation relating to subdivisions (c)(1)-(5) that is sufficient to establish the basis for each claim against each defendant.

(d) A plaintiff has a continuing duty to supplement the information that is required to be disclosed in this section.

(e) The court, on motion by a defendant, shall dismiss a plaintiff's asbestos claim without prejudice as to any defendant whose product or premises is not identified in the required disclosures set forth in subsection (c).

(f) The court, on motion by a defendant, shall dismiss a plaintiff's asbestos claim without prejudice as to all defendants if the plaintiff fails to comply with the requirements of subsection (c).

SECTION 2. Tennessee Code Annotated, Section 29-34-706(d)(1), is amended by deleting the word "nonmalignant".

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to all asbestos actions filed on or after that date.